

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

JUN - 9 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Implementation of Commission's)
Equal Employment Opportunity Rules)

MM Docket No. 94-34

COMMENTS ON NOTICE OF INQUIRY

Houston Christian Broadcasters, Inc., licensee of non-commercial educational Radio Stations KHCB, Galveston and KHCB-FM, Houston, Texas ("HCBI"), respectfully submits its comments in response to the Notice of Inquiry (the "Notice") released by the FCC in the above-referenced docket on April 21, 1994.

The Notice sought comment on various aspects of the effectiveness of the FCC's rules and policies on equal employment opportunity. In particular, the FCC noted the unique difficulties experienced by broadcasters in small markets in attracting and retaining minority employees. The FCC asked for comment on how it could help such broadcasters satisfy their EEO obligations. Also, the Notice asked for suggestions as to ways in which the FCC could decrease the administrative burden of EEO recordkeeping upon broadcasters without sacrificing the efficacy of EEO enforcement. HCBI wishes to address these two concerns.

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HCBI wholly supports the principal policy goals of the FCC's EEO rules and policies and shares the FCC's understanding that the underlying goal of these rules and policies is to promote program diversity. To this end, HCBI offers noncommercial educational programming from a religious perspective in four languages including English, Spanish, Chinese and Vietnamese. Thus, HCBI offers suggestions only as to how the EEO policy can be equitably applied to stations with special concerns.

First, KHCB believes that the FCC should consider providing relief from EEO recordkeeping requirements not only for broadcasters in small markets but also for licensees of stations with few employees in whatever size market. KHCB and KHCB-FM, together, have nine, paid employees. Although the stations are licensed to cities of significant size, the stations are representative of many small, noncommercial educational broadcasters who find the current EEO recruitment and recordkeeping requirements to be extremely cumbersome and burdensome. These stations find it difficult to comply with the extensive recordkeeping requirements applicable to the recruitment process including the maintenance of applicant and interview pool data for each open position. In stations with only nine employees it is unrealistic for the FCC to expect that one staff member can be allocated to spend a majority

of his or her time in fulfillment of such recordkeeping requirements. Thus, HCBI suggests that the FCC eliminate or substantially reduce its recruitment recordkeeping requirements for stations with a small number of employees. A proposed cut-off might be stations with fifteen or fewer employees.

Second, KHCB proposes that the FCC provide similar special relief from its recordkeeping requirements for noncommercial, educational stations in all size markets. Market size for noncommercial educational stations may be irrelevant since such stations in all size markets operate with limited staff and restricted funding. Stations dependent upon public funding already have developed comprehensive and interactive programs within their communities to maintain station operations and encourage listener contributions. Recruitment of pools of potential employees and volunteers is the natural outgrowth of the general operation of a noncommercial educational station which must work closely with the community it serves order to provide it with responsive programming. Given that these volunteers provide excellent sources of recruitment and referrals, it seems redundant to impose upon noncommercial, educational stations of typically smaller size and limited funding a duplicative recruitment and referral effort requiring detailed and comprehensive recordkeeping. Thus, in

addition, to eliminating or modifying these EEO recordkeeping requirements for all stations with few employees, HCBI urges the FCC to reduce the administrative burden of EEO recordkeeping upon all noncommercial educational stations. The FCC should consider whether its strict and comprehensive EEO recordkeeping requirements applicable to every facet of the recruitment process are truly necessary for noncommercial educational stations whose basic mandate is to promote program diversity.

Third, HCBI urges the FCC to acknowledge in its EEO reporting requirements the fact that noncommercial educational stations often maintain staffs of both paid employees and unpaid volunteers who work on a regular basis. KHCB has only nine paid employees but utilizes the services of forty-three volunteers who work regular night or day shifts each week announcing and keeping the AM and FM stations on air. Currently, these volunteers include ten Hispanics and thirteen Asians who assist the stations in providing the foreign-language programming they offer. KHCB suggests that the FCC adopt a mechanism to enable noncommercial educational stations to receive "credit" on the FCC Form 395-B (Annual Employment Report) for their unpaid volunteers who work regular hours on a consistent basis. The EEO profile of such stations should be

judged by an evaluation of all of their staff, including unpaid employees and volunteers.

CONCLUSION

KHCB supports the EEO policy and rules of the FCC and offers the suggestions given above to enable the Commission to consider the unique problems experienced by noncommercial educational broadcasters with small size stations in complying with the FCC's EEO recruitment and recordkeeping requirements.

Respectfully submitted,

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